

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claim 1 is rewritten as claim 63. Claims 2, 3, 8, 9, 24, 29-31, 35, 36, and 39-62 are cancelled without prejudice or disclaimer, Applicants reserving the right to file one or more continuing applications directed to the subject matter of these claims. Thus, claims 4-7, 10-23, 25-28, 34, 37, 38, and 63-89 are pending, of which claims 63 and 64 are respectively independent method and apparatus claims that track each other. Claims 65-89 are depending apparatus claims corresponding to the dependent method claims.

The specification and claim 5 are amended to address the issues noted on page 2 of the Office Action, thereby obviating the objection to the disclosure and the rejection of claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite.

Insofar as they may relate to the presently pending claims, Applicants traverses all rejections in the Office Action of January 3, 2005, including the rejection of claims 24, 29, 30, and 33 under 35 U.S.C. §103(a) as being anticipated by Johnston (U.S. 5,287,478); claims 1-10, 12, 14-20, 22, 23, 25-28, 31, 32, 34, 36-46, 48-56, and 58-62 under 35 U.S.C. §102(e) as being anticipated by Shnelvar (U.S. 6,374,266); claim 21 under 35 U.S.C. §103(a) as being unpatentable over Shnelvar; claims 11 and 34 under 35 U.S.C. §103(a) as being

unpatentable over Shnelvar in view of Johnston; claim 35 as being unpatentable over Johnston in view of Shnelvar; and claims 13, 47, and 57 under 35 U.S.C. §103(a) as being obvious over Shnelvar in view of Gold (U.S. 6,701,450).

Independent claim 63 is directed to a method of protecting data recorded during plural data recording sessions to a data storage medium, the sessions occurring at different times. Claim 63 includes the steps: (1) creating a code after each data recording session has been completed, the code created after each data recording session representing the recorded data and the session during which the data was recorded; (2) making a record of the created codes and advancing the record of the created codes so that the new code that is created after each data recording session is added to the record of the created codes; and (3) preventing overwriting of code within the record of the created codes after completion of a data recording session.

Independent claim 64 is directed to an apparatus for protecting data recorded in successive data recording sessions on a data storage medium, the apparatus including a processor arrangement for carrying out the above-noted steps.

None of the references of record, including Johnston, discloses a method or apparatus having the above-noted steps and features. Contrary to Applicants' claimed invention, Johnston is merely

concerned with the data handling required in a tape data storage system that interfaces with a host unit. The data handling includes the steps of checking for read after write (RAW) errors when writing a frame of data onto the tape. The process includes writing data to the tape in a first step, reading the data in a second step, and checking for errors in a third step. As discussed at column 20, lines 23-34, and as noted in the Office Action, the check for errors is done by comparing the check sum of data read from the tape with the check sum of data written to the tape. This check for RAW errors is a simple verification of whether the recorded data is error-free and is used to control the recording process in an attempt to ensure that the recorded frames of data are error free.

Johnston's system is not concerned with detecting fraudulent data. Johnston does not detect if data written to the tape is fraudulent due to tampering because Johnston has none of the means necessary to implement the steps and features recited in Applicants' independent claims 63 and 64.

For at least this reason, claims 63 and 64, and the claims dependent thereon, are allowable over Johnston.

Shnelvar also does not disclose a method or apparatus having the steps and features of Applicants' independent claims 63 and 64. In contrast to Applicants' claimed invention, Shnelvar is primarily concerned with generating identifiers to eliminate duplicate data

across blocks of data on a data source. Shnelvar is not concerned with identifying data recording sessions or detecting when data has been tampered with in a data recording session. At a minimum, Shnelvar does not create a code representing the recording session used to store data in a data storage tape (as opposed to creating one or more codes identifying the data). Nor does Shnelvar generate a code after the completion of a recording session. Rather, Shnelvar generates a code that identifies the block of data that is to be stored and does this before the block of data is actually stored. In addition, Shnelvar does not prevent overwriting of a code representing a recording session. In other words, Shnelvar is unable to audit data recording sessions and so is unable to detect a recording session when fraudulent data has been recorded.

For at least these reasons, claims 63 and 64, and the claims dependent thereon, are allowable over Shnelvar.

The rejections under 35 U.S.C. §103(a) of claims 11 and 34 as being unpatentable over Shnelvar in view of Johnston, claim 35 as being unpatentable over Johnston in view of Shnelvar, and claims 13, 47, and 57 as being obvious over Shnelvar in view of Gold (U.S. 6,701,450) are obviated by the features of claim 63 discussed above.

In addition, pursuant to 35 U.S.C. §103(c), Gold is not properly cited against the present application because the inventions of the

present application and Gold were commonly owned when the present invention was made.

As can be seen, independent claims 63 and 64 are patentable over Johnston and Shnelvar, taken alone or in combination each other or with any other reference of record. The remaining claims depend from allowable claims 63 and 64 and are allowable for at least the same reasons, as well as for the additional limitations provided by these claims. Therefore, all claims are allowable.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

Serial No. 10/955,223

HP 30001070-2 US

LHB 1509-218

Page 20

To the extent necessary, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any prescribed fees not otherwise provided for, including application processing, extension, and extra claims fees, to Deposit Account No. 08-2025.

Respectfully submitted,

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On April 4, 2005

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